

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MATT L. LOPER,

Plaintiff,

v.

KYLE J. MAIO,

Defendant.

Case No. 1:19-cv-190

MEMORANDUM ORDER

This action was received by the Clerk of Court on July 2, 2019 and was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

By Order dated July 26, 2019, Magistrate Judge Lanzillo denied Plaintiff's request for leave to proceed in forma pauperis and directed that Plaintiff filed a proper civil complaint within thirty days. ECF No. 3. Plaintiff failed to respond.

By Order dated September 5, 2019, Plaintiff was directed to show cause for his failure to file the amended complaint. Plaintiff was warned that he must show cause by September 20, 2019, or risk dismissal of this matter. Plaintiff failed to respond.

On October 30, 2019, Magistrate Judge Lanzillo issued a Report and Recommendation recommending that this case be dismissed due to Plaintiff's failure to prosecute. ECF No. 5. Because Plaintiff is a registered CM/ECF User, Objections to the Report and Recommendation were due by November 13, 2019. If Plaintiff were not a registered User, his Objections would have been due by November 18, 2019. Plaintiff failed to file any Objections.

After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 22nd day of November, 2019;

IT IS ORDERED that this case is dismissed due to Plaintiff's failure to prosecute it.

IT IS FURTHER ORDERED that the Clerk is direct to close this case.

AND, IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued on October 30, 2019 [ECF No. 5] is adopted as the opinion of the court.

A handwritten signature in cursive script, reading "Susan Paradise Baxter". The signature is written in dark ink and is positioned above the printed name of the judge.

SUSAN PARADISE BAXTER
United States District Judge